

Court of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-12-00093-CV

In the **INTEREST OF A.C.L.** and **L.A.L.**, Children

From the 131st Judicial District Court, Bexar County, Texas
Trial Court No. 2011-PA-01262
Honorable John D. Gabriel, Judge Presiding¹

Opinion by: Steven C. Hilbig, Justice

Sitting: Karen Angelini, Justice
Phylis J. Speedlin, Justice
Steven C. Hilbig, Justice

Delivered and Filed: July 18, 2012

MOTION TO WITHDRAW GRANTED; AFFIRMED

J.E.L.² appeals a final order in a suit affecting the parent child relationship filed by the Department of Family and Protective Services. We affirm the order.

The Department removed the children A.C.L. and L.A.L. from their mother J.E.L.'s home and sought to terminate the parental rights of both parents. By the time of trial, however, the Department recommended the best interests of the children would be served by appointing the children's father their permanent managing conservator and making J.E.L. a possessory

¹ This case was assigned to the 131st Judicial District Court of Bexar County, Texas, in which the Honorable John D. Gabriel is the presiding judge. However, the case was tried by and the final order was signed by the Honorable Charles E. Montemayor, Associate Judge, appointed pursuant to section 201.201 of the Texas Family Code. See TEX. FAM. CODE ANN. § 201.201, *et seq.* (West 2008 & West Supp. 2011).

² To protect the identity of the minor child, we refer to the appellant and the children by their initials. See TEX. FAM. CODE ANN. § 109.002(d) (West 2011); TEX. R. APP. P. 9.8.

conservator. Following a bench trial, the court dismissed the Department as conservator, appointed the father permanent managing conservator of the children, and appointed J.E.L. a possessory conservator. J.E.L. filed a timely notice of appeal.

J.E.L.'s court-appointed appellate attorney filed a motion to withdraw and a brief containing a professional evaluation of the record and concluding there are no arguable grounds to be advanced and the appeal is frivolous. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). See *In re R.R.*, No. 04-03-00096-CV, 2003 WL 21157944, *4 (Tex. App.—San Antonio May 21, 2003, order) (applying *Anders* procedure to appeals in cases in which termination of parental rights is sought), *disp. on merits*, 2003 WL 22080522 (Tex. App.—San Antonio Sept. 10, 2003, no pet.) (mem. op.). Appellant was provided a copy of the brief and informed of her right to review the record and file her own brief. See *Nichols v. State*, 954 S.W.2d 83, 85-86 (Tex. App.—San Antonio, July 23, 1997, no pet.); *In re R.R.*, 2003 WL 21157944, at *4. Appellant did not file a pro se brief.

We have reviewed the record and the attorney's *Anders* brief, and we agree with counsel that the appeal is without merit. Accordingly, we grant the motion to withdraw and affirm the trial court's order.

Steven C. Hilbig, Justice